

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SUSAN MARTINEZ,
Plaintiff,**

vs.

No.: 1:12-cv-01227-WDS-LFG

**ENHANCED RECOVERY COMPANY,
LLC.,
Defendant.**

PLAINTIFF'S MOTION FOR CLERK'S ENTRY OF DEFAULT

THE PLAINTIFF Susan Martinez, by and through counsel of record, hereby requests that this Honorable Court direct the Clerk of this Court to enter a default against Defendant, ENHANCED RECOVERY COMPANY, LLC. In support thereof, Plaintiff states as follows:

1. Plaintiff filed her Complaint against Defendant on November 28, 2012. [Doc. 1].
2. Plaintiff's Complaint alleged violations of the Fair Debt Collection Practices Act, 15 USC 1692 *et seq.* [Doc. 1].
3. Plaintiff seeks statutory damages pursuant to the above-mentioned statute and reasonable attorney's fees. [Doc. 1].
4. On December 4, 2012, Defendant was served with complaint and summons. *See* Executed Summons at [Doc. 3].
5. Defendant's answer to Plaintiff's Complaint was due on December 26, 2012.
6. Defendant has not filed its answer nor contacted Plaintiffs' attorneys requesting an extension to answer.
7. *Federal Rule of Civil Procedure* 55(a) provides that "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

8. Defendant is not a minor or incompetent person.
9. Defendant has failed to plead or otherwise defend itself against Plaintiffs' Complaint.

WHEREFORE, Plaintiff respectfully requests this Honorable Court direct the Clerk of this Court to enter a default against Defendant, ENHANCED RECOVERY COMPANY, LLC for failure to timely plead or otherwise defend against Plaintiff's Complaint.

DATED: January 2, 2013

RESPECTFULLY SUBMITTED

By: /s/ Charles N. Lakins, Esq.

Charles N. Lakins, Esq.

Lakins Law Firm, P.C.

PO Box 91357

Albuquerque, NM 87199

(505) 404-9377

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2013, I electronically filed the foregoing Motion for Clerk's Entry of Default by using the CM/ECF System. A copy of said Motion was mailed to the following:

Enhanced Recovery Company, LLC
8014 Bayberry Rd
Jacksonville, FL 32256

/s/ Charles N. Lakins, Esq.

Charles N. Lakins, Esq.